FIFTEENTH ANNUAL REPORT

1981-82

ONTARIO LAW REFORM COMMISSION

Ministry of the Attorney General

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The Ontario Law Reform Commission was established by section 1 of the *Ontario Law Reform Commission Act*. Section 2(1) of the Act states that it is the function of the Commission to inquire into and consider any matter relating to (a) reform of the law having regard to the statute law, the common law and judicial decisions; (b) the administration of justice; (c) judicial and quasi-judicial procedures under any Act; and (d) any subject referred to it by the Attorney General. The Commissioners are:

DEREK MENDES DA COSTA, Q.C., LL.B., LL.M., S.J.D., LL.D., *Chairman*

H. ALLAN LEAL, Q.C., LL.M., LL.D., *Vice Chairman*

HONOURABLE RICHARD A. BELL, P.C., Q.C.

* HONOURABLE JAMES C. MCRUER, O.C., LL.D., D.C.L.

WILLIAM R. POOLE, Q.C.

BARRY A. PERCIVAL, Q.C.

M. Patricia Richardson, M.A., LL.B., is Counsel to the Commission. The Secretary of the Commission is Miss A. F. Chute, and its offices are located on the Fifteenth Floor at 18 King Street East, Toronto, Ontario, Canada M5C 1C5.

* The Honourable James C. McRuer, the first Chairman of the Commission and Vice Chairman until February, 1977, resigned as a full-time Member of the Commission effective June, 1977. However, Mr. McRuer agreed to remain a Commissioner in relation to the Projects on the Law of Trusts and the Enforcement of Judgment Debts, in the development of which he has been much involved.

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TABLE OF CONTENTS

	Page
INTRODUCTION	7
THE PROGRAMME: REFERRED MATTERS	7
COMPLETED PROJECTS	7
(i) Witnesses Before Committees of the Legislature	7
(ii) Class Actions	10
THE PROGRAMME: PROJECTS INITIATED BY THE COMMISSION	16
PROJECTS IN PROCESS	16
(i) The Law of Trusts	16
(ii) Administration of Estates of Deceased Persons	17
(iii) The Hague Convention Concerning the International Administration of the Estates of Deceased Persons	17
(iv) Basic Principles of Land Law	17
(v) The Law of Mortgages	17
(vi) Enforcement of Judgment Debts and Related Matters	19
(vii) The Law of Standing	19
(viii) Powers of Entry	19
(ix) Law of Contract Amendment	19
(x) Contribution Among Wrongdoers	20
(xi) Remedies for Wrongful Intentional Interference with Goods	20
FUTURE PROGRAMME	21
GENERAL ACTIVITIES	21
ACKNOWLEDGMENTS	23
APPENDIX A	25
APPENDIX B	27
APPENDIX C	35

Ontario
Law Reform
Commission

To The Honourable R. Roy McMurtry, Q.C.
Attorney General for Ontario

Dear Mr. Attorney:

We have the honour to present the Fifteenth Annual Report of the Ontario Law Reform Commission, for the period April 1, 1981, to March 31, 1982.

INTRODUCTION

This Report is concerned with the activities of the Commission during the period April 1, 1981, to March 31, 1982. During the year, the Commission's energies were devoted primarily to the completion of two References, dealing with Class Actions and Witnesses Before Committees of the Legislature. We are pleased to record that Reports on these topics have been submitted to the Minister.

The importance attached by the Commission to completing the two References made it necessary to suspend work temporarily on a number of Reports. Nevertheless, substantial progress was made on our Projects on Administration of Estates of Deceased Persons, Contribution Among Wrongdoers, Powers of Entry, and the Law of Mortgages. In addition, the Commission undertook a new Project on Remedies for Wrongful Intentional Interference with Goods.

The past year has seen a change in the membership of the Commission. The Honourable George Alexander Gale, C.C., Q.C., LL.D., resigned as Vice Chairman of the Commission for reasons of ill health. He was succeeded by H. Allan Leal, Q.C., LL.M., LL.D., recently Deputy Attorney General for Ontario, and formerly Chairman of the Ontario Law Reform Commission.

THE PROGRAMME: REFERRED MATTERS

Section 2(1)(*d*) of the *Ontario Law Reform Commission Act* requires the Commission to inquire into and to consider any matter relating to any subject referred to it by the Attorney General. No new matters were referred to the Commission during the period covered in this Report. Work on two prior References, the Class Actions Project and the Project on Witnesses Before Committees of the Legislature, was completed during the year.

COMPLETED PROJECTS

(1) Witnesses Before Committees of the Legislature

On September 11, 1981, the Commission submitted to the Attorney General its *Report on Witnesses Before Legislative Committees*. The Attorney General had referred the subject to the Commission in response to an earlier recommendation by the Standing Procedural Affairs Committee of the Ontario Legislative Assembly in its *Report on Witnesses Before Committees*. In Appendix A to the latter Report, the Standing Procedural Affairs Committee posed eleven questions for the Ontario Law Reform Commission. The Commission's Report deals not only with these

questions, but also with other important issues relating to the nature and powers of legislative committees, the rights, privileges, and protection afforded to committee witnesses, and the form, method of review, and amendment of the *Legislative Assembly Act*.

After first reviewing the establishment and functions of legislative committees, the Commission's Report turns to the powers of such committees. The Report deals with the question whether witnesses have different rights and obligations depending solely upon the circumstances of their appearance before a committee — that is, whether they appear voluntarily, at a committee's request, or by Speaker's warrant — and whether ministers of the Crown, civil servants, and public servants are in a different position than private citizens *vis-à-vis* legislative committees. The Commission concludes that, as a matter of law, all witnesses have the same rights and obligations and are equally subject to the applicable provisions of the *Legislative Assembly Act*, although there is a recognition that practical differences do exist between classes of witness.

With respect to the status of Ministers of the Crown, civil servants, and public servants appearing before legislative committees, the Commission recommends no change in the law and practice relating to the invocation of the doctrine of Crown privilege and the method by which a committee and the Legislative Assembly are entitled to deal with an assertion of the doctrine. Accordingly, the Commission does not recommend the adoption of legislation treating an assertion of Crown privilege by such witnesses as conclusive, or permitting a court or a special committee of the Legislative Assembly to consider claims of Crown privilege asserted before a legislative committee.

The bulk of the *Report on Witnesses Before Legislative Committees* concerns the power of legislative committees to call witnesses and to compel answers to questions and production of documents, and with the rights, privileges, and protection afforded to such witnesses and to third parties who might be affected by the testimony sought. Recommendations are made concerning the taking of oaths and affirmations, offences under the *Legislative Assembly Act*, sanctions against persons found to be in contempt, and the obtaining of a Speaker's warrant requiring attendance of a witness before a committee. For example, in order to give the Legislative Assembly more flexibility, the Commission recommends that, in addition to any other type of punishment for contempt, the Assembly should be empowered to impose a fine and to vary, suspend, or cancel any order under which a witness has been punished. With respect to a Speaker's warrant, it is recommended that a committee should be expressly permitted to approach the Speaker directly, without first obtaining the Assembly's order. The committee would be entitled to appeal to the Assembly against the Speaker's refusal to accede to the committee's request and, where the Speaker wishes directions, he would be entitled to seek an order from the

Assembly. Finally, to alert the Assembly to his activities, the Speaker would be required to notify the Assembly of his issuance of a warrant at the first available opportunity.

The Commission examines in some detail the position of committee witnesses. It expresses the view that witnesses should be informed of the duties and privileges attendant upon their appearance before a legislative committee, and of the penalties for refusing to appear before, or cooperate with, a committee. The Commission recommends the use of an explanatory brochure, to be sent to prospective witnesses in advance of their appearance. The brochure would describe committee procedures, outline the powers of the committee, and inform the witness of his rights and duties. Prior notice of the hearing, and of the nature of the evidence sought, is also recommended.

To ensure that a witness's rights are protected during the course of a committee hearing, the Commission also recommends that witnesses be given the right to retain counsel. Where a witness's rights or reputation are or may be in jeopardy, counsel would be entitled to examine and cross-examine witnesses and to make submissions.

As a further protection of the rights of witnesses, and as a general policy, the Commission is of the view that open committee sessions should be encouraged. *In camera* sessions should be permitted, however, where the evidence given might, for example, tend to incriminate the witness, reflect prejudicially on the reputation or conduct of the witness or another person, or involve sensitive, privileged, confidential, or classified matters. Where committee proceedings concern a matter that is *sub judice*, the Commission recommends that, unless the Assembly decides otherwise, the proceedings should be closed, with no publication of the evidence given until the court proceedings have been concluded. Other proposals respecting the publication or non-publication of evidence are also made, with a view to fairness to individuals and the public interest.

Finally, the Commission makes several recommendations concerning the use of a witness's evidence against him at a subsequent proceeding, having regard, for example, to the inherent privileges of legislatures, whether a witness is afforded any protection by existing federal and provincial legislation, and the anticipated impact of section 13 of the *Canadian Charter of Rights and Freedoms*. The Commission notes that, at common law, a committee witness could not refuse to answer any question on the ground that his answer might tend to incriminate him, and, after expressing the view that the Province is likely competent to enact appropriate legislation in this regard, recommends legislation providing, *inter alia*, that: (1) a witness who gives evidence at any legislative committee proceedings has the right not to have any evidence so given used against him in any subsequent proceeding, except in a prosecution for perjury or for the

giving of contradictory evidence; (2) this protection applies automatically to all witnesses, whether or not they claim or request the protection; and (3) the Legislative Assembly has no jurisdiction to withdraw the proposed protection and therefore to permit a witness's evidence to be used at any subsequent proceeding. To avoid constitutional challenges to the jurisdiction of the Province to legislate in respect of the use of committee evidence at subsequent criminal proceedings, the Commission recommends that the Parliament of Canada should be requested to enact legislation similar to that outlined above. However, the Commission notes that, should the Charter be adopted, and given its application to all matters within the authority of the Parliament of Canada, legislation protecting witnesses against the direct use of their evidence in criminal proceedings would no longer be necessary.

(ii) Class Actions

During the past year, the Commission completed its examination of the law of class actions, a matter referred to the Commission by the Attorney General in November, 1976. The *Report on Class Actions*, consisting of three volumes and twenty-two chapters, and containing a Draft Bill for a *Class Actions Act*, was submitted to the Attorney General on March 31, 1982.

In its Report, the Commission concludes that the present class action provision, Rule 75 of the Supreme Court of Ontario Rules of Practice, is deficient in many respects. First, the Rule is unduly restrictive, since it would seem to prohibit, *inter alia*, class actions involving claims for damages that must be assessed individually. It is also the view of the Commission that Rule 75 affords insufficient protection to absent class members — that is to say, members of the class other than the representative plaintiff. For example, the Rule is silent on the right of the representative plaintiff to settle the class action on behalf of the class without notice to the class members or approval of the court, thereby making abuse of the class action procedure possible. The Commission also finds existing procedural alternatives to class actions, such as joinder, consolidation, and the test case, to be inadequate to deal with the mass wrongs that are a feature of today's technological society.

In chapter 4 of the *Report on Class Actions*, the Commission turns its attention to the costs and benefits of the adoption in Ontario of a revised class action procedure. Relying on a number of existing empirical studies, as well as on the Commission's own study of class actions in the United States federal courts, the Commission concludes that the benefits of class actions — judicial economy, increased access to justice, and deterrence of wrongful or illegal behaviour — outweigh their costs. Moreover, the Commission finds that many of the arguments that have been raised against class actions, such as the "legalized blackmail" argument, are not supported by

the empirical evidence. Consequently, the Commission recommends the adoption in Ontario of a new and expanded class action procedure designed to facilitate the bringing of class actions and to enable courts to preclude inappropriate class actions on a case-by-case basis. The utility of a new and expanded class action procedure is further described in chapter 5 of the Report, where the Commission notes the substantive law areas in which such a procedure might be usefully employed. Among the substantive law bases for class actions discussed by the Commission are civil rights, securities law, consumer and trade practices, mass accidents, and environmental law.

The remainder of the Report is devoted to the design of a new and expanded class action procedure. In chapter 6, the Commission examines the arguments for and against private and public initiation of class actions. While the Commission ultimately recommends a class action procedure similar to Rule 23 of the United States Federal Rules of Civil Procedure, incorporating private initiation of class proceedings by a member of the class and judicial approval of the maintenance of every class suit, it does recognize that the Attorney General should have a role to play in such litigation. Accordingly, notice to the Attorney General of every class action commenced under the proposed *Class Actions Act* is recommended, with a right in the Attorney General to apply to the court to intervene in respect of any aspect of a class action that raises a matter of public interest, and a discretion in the court to permit the Attorney General in limited circumstances to act as the representative plaintiff. Chapter 6 also outlines briefly the main features of the Commission's proposed class action mechanism. The Commission envisages a three-stage procedure involving judicial "certification" of a class action, proceedings to resolve the issues common to the class, followed, where necessary, by proceedings to determine individual issues.

Chapters 7, 8, and 9 of the *Report on Class Actions* outline the conditions that must be satisfied before the court will certify a class action or, in other words, permit an action to be maintained in class form. The first certification test that the Commission recommends is a preliminary merits test. Only those class actions brought in good faith with a reasonable possibility that material questions of fact and law common to the class will be resolved at trial in favour of the class would be certified under the Commission's proposal. The mere fact that the action as pleaded discloses a reasonable cause of action would not be sufficient to satisfy this test.

Three additional certification tests are recommended by the Commission in chapter 8 of the Report. Two of those conditions — the numerosity and common questions tests — are relatively uncontroversial. Given the purposes ascribed to class actions by the Commission, particularly judicial economy, a requirement that the class on whose behalf the action is brought be numerous and that a class action raise questions of

fact or law common to the members of the class would seem obvious. The common questions test, it should be noted, is considerably less stringent than the "same interest" test applied under Rule 75 of the Supreme Court of Ontario Rules of Practice. The Commission does not recommend as a precondition to the certification of a class action that the class be so numerous as to make joinder impracticable or that questions common to the class predominate over issues affecting individual members of the class — conditions imposed by Rule 23 of the United States Federal Rules of Civil Procedure — on the ground that such conditions would reduce the flexibility of the proposed class action procedure. Moreover, it is the Commission's view that such requirements are more appropriately considered under the superiority test that the Commission advocates in chapter 9 of the Report.

A further condition for certification proposed for inclusion in the *Class Actions Act* would fill a major gap that now exists in respect of class actions brought pursuant to Rule 75. To safeguard the interests of absent class members, the Commission recommends that an action should be allowed to be maintained in class form only if the court is satisfied that the representative plaintiff will fairly and adequately protect the interests of the class. In making this determination, a court would be authorized to consider whether provision has been made for competent legal representation that is adequate for the protection of the interests of the class. The proposed *Class Actions Act* would also permit the court to make an order substituting another class member as representative plaintiff where the initial representative plaintiff is found to be "inadequate".

To limit the impact of class actions on the courts, the Commission recommends the adoption of two additional certification tests — a superiority and a cost-benefit test. The former would ensure that class actions are employed only where the court is satisfied that a class action is superior to other available methods for the fair and efficient resolution of the underlying controversy. In making this determination, courts would be required to consider, *inter alia*, the following factors, none of which by itself would necessarily be conclusive: whether questions of fact or law common to the members of the class predominate over any questions affecting only individual class members; whether a significant number of members of the class have a valid interest in individually controlling the prosecution of separate actions; whether the class action would involve claims that are or have been the subject of any other proceedings; whether other means of resolving the claims are less practicable or less efficient; and whether the administration of the class would create greater difficulties than those likely to be experienced if relief were sought by other practicable means. The possibility of resorting to joinder or some other procedural device or administrative procedure would be canvassed by a court under the fourth of the abovementioned factors. The "manageability" of a class

action would be required to be judicially canvassed under the last of these factors.

Finally, a court would be authorized to refuse to certify a class action, despite its meeting all the other tests for certification, where the court was satisfied that the adverse effects of the proceedings upon the class, the courts, or the public would outweigh its benefits. This unique provision would permit a court, for example, to balance the impact of class litigation on the administration of justice in the Province against the amount of relief likely to be secured by the suit or the deterrent value of the particular class action. It should be noted that the Commission recommends that the onus of establishing that the costs associated with a class action outweigh its benefits rest upon the person who so contends. Given that a cost-benefit analysis will normally only be undertaken once the court has determined that a class action is the superior procedural device to resolve the controversy, and given the serious consequences that would flow from a refusal to certify in such circumstances, imposing the onus on the person who contends that the benefits of the class action will be outweighed by its costs seems appropriate.

Chapters 10, 11, and 15 of the Report focus upon various procedural issues concerning the conduct of class actions. Chapter 10 deals with the certification hearing, the timing thereof, the manner in which evidence is to be put before the court, and the powers of a court in disposing of the certification issue. Under the Commission's recommendations, a court could grant or deny certification, making any and all amendments to the proceedings necessitated by its order. A court would also have the power to amend a certification order, and to set aside an order certifying an action as a class action where it is satisfied that the action no longer meets the prerequisites for certification.

In chapter 11, entitled "The Conduct of Class Actions", the Commission's focus is on more general procedural questions, such as which courts should have jurisdiction over class actions brought pursuant to the proposed *Class Actions Act*, and the general management powers to be enjoyed by those responsible for adjudicating class actions. The Commission proposes that class actions should be heard only in the High Court of Justice and in the county and district courts. A class action, once commenced, would be assigned to a particular judge, who would preside over all pre-trial motions and interlocutory proceedings until the trial of the action. Another judge would then preside over the trial of the common questions and would also be responsible for supervising any subsequent proceedings. Consistent with recommendations made in previous reports of the Commission, it is further recommended that class actions be tried by a judge without a jury. Insofar as the powers of the judge presiding over a class action are concerned, the Commission proposes that he should be invested with a broad management power to make all appropriate orders

determining the course of a class action for the purpose of ensuring the fair and expeditious determination of the action.

The resolution of individual questions to which a class action might give rise is discussed in chapter 15 of the *Report on Class Actions*. The determination of individual issues such as damages and reliance would constitute the final stage of the Commission's envisaged three-stage class action procedure. To maximize the access to justice function of class actions, the Commission recommends that the judge who decides the common questions should have a broad discretion to fashion proceedings for the resolution of individual issues and a duty to order the simplest, least expensive, and most expeditious method of determining these issues that is consistent with fairness to the class members, the defendant, and the representative plaintiff.

Under the Commission's recommendations, the judge who has decided the common questions would be able to conduct the individual proceedings alone, or with the assistance of other judges of the same court; he would be empowered to appoint one or more persons, other than a judge, to conduct the individual proceedings by way of inquiry and report; and he would be authorized to provide for such individual proceedings as agreed upon by the representative plaintiff and the defendant.

Among the other procedural matters addressed in the Report are the rights of discovery of the representative plaintiff, the defendant, and the absent class members at various stages of a class action; the *res judicata* effect of a class action judgment; the need for notice to absent class members at various times during the course of a class action; rights of appeal; the right of class members to "opt out" of a class action; limitation periods and class actions; and the need for court approval of class action settlements.

The Commission proposes major changes in the law of class actions in the areas of costs and monetary relief. Insofar as costs are concerned, the Commission recognizes the need for a change from the present rule that costs usually follow the event. In place of this "two-way" costs rule, the Commission proposes a general "no-way" costs rule. In other words, a successful litigant in a class action would not normally be able to recover his party and party costs from his unsuccessful adversary. A court would be authorized to depart from this general no-way costs rule in three instances: at the certification hearing, where it would be unjust to deprive the successful party of costs; in the event of vexatious, frivolous, or abusive conduct on the part of either of the parties; and in the case of interlocutory proceedings. The proposed no-way costs rule would not apply to individual proceedings, where the ordinary rule that costs follow the event would continue to govern.

With respect to the fees of the lawyer retained by the representative plaintiff, the Commission recommends that a type of court-approved contingent fee arrangement should be possible. Although the representative plaintiff and his lawyer would be permitted to enter into an agreement that provides that the lawyer will be entitled to a fee only in the event that the action is successful or confers benefits upon the members of the class by way of a settlement, the agreement may neither stipulate the amount of the lawyer's fee nor prescribe a method by which this fee is to be calculated. The determination of the fee to which the class lawyer is entitled would be left to the court, with a duty imposed upon the court to award a fee that is fair and reasonable compensation in light of the risk assumed by the lawyer in undertaking the litigation on a contingent basis. A somewhat similar scheme is proposed in respect of disbursements incurred by the class lawyer on behalf of the class.

The fee to which the class lawyer is entitled, whether or not a contingent fee agreement of the type described above is entered into, would be paid out of any recovery realized by the class proceedings. This fee, it is recommended, should constitute a first charge on the class action recovery and be payable on a proportional basis against amounts ordered to be paid to class members. The Report, in addition, deals with the issues of security for costs and payment into court in respect of both the common questions stage and individual questions stage of class proceedings.

In the area of monetary relief, the major thrust of the Commission's proposals is to facilitate class actions where the claim is one for damages, an area in which the present law is less than satisfactory. First, the Commission proposes the use of "bifurcated" proceedings — common proceedings to dispose of common questions followed by individual proceedings to determine individual questions — where all the issues to which a class action gives rise cannot be disposed of without resort to individual proceedings. Secondly, the Commission makes clear in its proposed *Class Actions Act* that certification of a class action should not be refused solely on the ground that the relief claimed includes a claim for damages that would require individual assessment in subsequent proceedings involving the defendant or arises out of or relates to separate contracts between members of the class and the defendant. In this way, the Commission seeks to avoid the major restrictions imposed on the use of class actions by the present law.

Thirdly, the Commission recommends that the court should be able to make an aggregate award of monetary relief in appropriate circumstances. In this way, the total liability of the defendant to the class could be determined as a common question, without resorting to individual proceedings. Where an aggregate award of monetary relief is ordered, the court is authorized to distribute the relief in a number of ways. For example, where feasible, the court could order direct distribution by the defendant to the individual class members. The court is also authorized to

assume responsibility for a direct distribution. Where it is not practicable to determine those members entitled to share in an aggregate award or the exact share that should be allocated to particular class members, the court is authorized to make an average distribution if the failure so to order would result in the denial of recovery to a substantial number of class members. Where neither a direct distribution nor an average distribution is possible, the court would be obliged to afford class members a reasonable opportunity to claim their shares of an aggregate award in proceedings designed to minimize the burden upon members of the class. For example, the court is expressly authorized to employ proof of claim forms to enable class members to establish their claims.

Where there is a residue of an aggregate award after resort to the abovementioned distribution techniques, the court may make a *cy-près* distribution, or order that the residue be forfeited to the Crown or returned to the defendant unconditionally. A *cy-près* distribution would be appropriate where it might reasonably be expected to benefit some or all of the class members and a reasonable number of class members, who would not otherwise receive monetary relief, would benefit therefrom.

In the final chapter of the Report, the Commission deals with a number of miscellaneous issues. For example, the Commission recommends that the rules of evidence should be amended to permit greater use of statistical, including sampling, evidence in class actions. Finally, the Commission makes recommendations regarding the scope of the Act, including its application to class actions commenced but not completed before the proposed *Class Actions Act* comes into force, and to representative actions authorized by other statutes.

THE PROGRAMME: PROJECTS INITIATED BY THE COMMISSION

Under its founding statute, the Commission may inquire into and consider any matter relating to reform of the law. Accordingly, the Commission may initiate research on its own motion. During the past year, a Project on Remedies for Wrongful Intentional Interference with Goods was commenced in this way.

PROJECTS IN PROCESS

(i) The Law of Trusts

While the Law of Trusts Project is well advanced, it has been necessary, pending completion of the *Report on Class Actions*, to suspend work on the preparation of the *Report on the Law of Trusts* and draft revised *Trustee Act*. With the submission of the Class Actions Report to the Attorney General, the Commission intends to give priority to this Project. In this task, we are fortunate to have the expert assistance of

Professor D.W.M. Waters, of the Faculty of Law, University of Victoria, and of L.R. MacTavish, Esq., Q.C., former Senior Legislative Counsel, who will advise us in the preparation of the proposed revised Act. We anticipate that the Report and the revised *Trustee Act* will be submitted to the Attorney General by the end of the coming year.

(ii) Administration of Estates of Deceased Persons

During the year, the Commission considered a number of Research Reports prepared by the Project Director, Professor G.W. Alexandrowicz, of the Faculty of Law, Queen's University, and containing his recommendations for reform of the law governing estate administration. The Research Reports were based upon earlier research papers prepared by a Research Team and considered by an Advisory Committee of experts in estate administration, constituted under the chairmanship of Malcolm Archibald, Esq., Q.C. The writing of the *Report on the Administration of Estates of Deceased Persons* will commence following resolution of certain residual issues. Work will also begin shortly on a proposed new *Administration of Estates Act*, which will consolidate, in a revised and expanded form, relevant portions of the *Trustee Act*, the former *Devolution of Estates Act*, and the provisions governing practice under the *Surrogate Courts Act* and Rules. The proposed new Act will also codify and revise a number of common law doctrines to which estate administration is now subject.

The Commission hopes to make substantial progress towards completion of this Project in the coming year.

(iii) The Hague Convention Concerning the International Administration of the Estates of Deceased Persons

In our last Annual Report, the Commission stated that, while we have considered the question whether the Hague Convention should be given effect in Ontario, we have yet to decide whether the Convention should be dealt with in conjunction with our consideration of the Estates of Foreign Decedents, as part of the Project on the Administration of Estates of Deceased Persons, or whether this topic should form the subject of a separate Report. The Commission hopes to be in a position to resolve these issues in the near future.

(iv) Basic Principles of Land Law

It is expected that work on this Project, which has been long deferred in order to satisfy other commitments, will resume in the coming year.

(v) The Law of Mortgages

Work on the Law of Mortgages Project is proceeding under the capable direction of Professor Barry J. Reiter, of the Faculty of Law,

University of Toronto, who assumed directorship of the Project last fall from Professor Richard H. McLaren, of the Faculty of Law, University of Western Ontario. Professor McLaren was unable to continue as Project Director because of other commitments, but has agreed to participate in the Project as a member of the Research Team.

The Commission believes the law of mortgages to be in need of reform and proposes to conduct a thorough review of this important area of the law. Recognizing that the expertise required to evaluate the efficacy of mortgage law in Ontario resides in those actively involved in mortgage transactions as borrowers, lenders, regulators, and lawyers, we invited these parties to submit letters or written briefs and, in particular, we requested comments concerning perceived problems in the present law and practice. As an additional measure to ensure that we receive the practical advice crucial to effective law reform, the Commission plans to establish an Advisory Committee of experts representative of diverse interests, who will be available for consultation for the balance of the Project.

The Law of Mortgages Project will be conducted in three stages. The first stage, which has been completed, involved preliminary consultation by Professor Reiter with selected representatives of the various groups interested in mortgage law, with a view to identifying problems that should be addressed in the research. This stage of the Project culminated in a detailed research plan, prepared by the Project Director and approved in principle by the Commission, which describes the research to be conducted in the next two stages.

In the second stage, the Research Team will conduct research on three major topics. The first topic deals with the initiation of mortgage relations, and research will be concerned primarily with the issue of proper disclosure to the borrower. The legal effect of mortgages, including such matters as shortened and plain language documents, privileges, and mortgage mathematics, will constitute the second topic to be examined. The last topic will be the complex and difficult subject of mortgage remedies. The purpose of the research will be to propose alternative directions in which reform might proceed. In the fall of the coming year, the Commission will consider the research and approve general directions for reform.

The third stage of the Project will consist of further research that will investigate in detail how best to implement the directions for reform that have been approved by the Commission. In January, 1984, it is expected that a final Research Report will be submitted to the Commission, which will present an integrated scheme of specific policy recommendations designed to remedy the deficiencies of the present law of mortgages.

The Commission anticipates that the *Report on the Law of Mortgages* will be submitted to the Attorney General by the end of 1984.

(vi) Enforcement of Judgment Debts and Related Matters

In 1981, the Commission published the first three Parts of its *Report on the Enforcement of Judgment Debts and Related Matters*. During the past year, it was necessary, in order to devote our resources to completion of the References on Class Actions and Witnesses Before Committees of the Legislature, to suspend work on the remaining Parts of the Enforcement of Judgment Debts Project. However, we anticipate that Part IV, concerned with prejudgment enforcement remedies and voidable transactions, and Part V, devoted mainly to the distribution of proceeds of enforcement and the liability of the sheriff arising out of his enforcement responsibilities, will be submitted to the Attorney General within the coming year.

(vii) The Law of Standing

Details of the content of this Project are contained in previous Annual Reports. During the past year, the Commission received a comprehensive research paper dealing with reform of the law of standing. In the coming year, we hope to turn our attention to the policy issues raised in this paper.

(viii) Powers of Entry

The Powers of Entry Project concerns powers conferred by Ontario statutes and regulations to enter upon lands, buildings, private dwellings, and other property. Under the guidance of the joint Project Directors, Professor Alan Grant, of Osgoode Hall Law School, York University, and Professor Stanley M. Makuch, of the Faculty of Law, University of Toronto, this Project has been brought close to completion. During the last year, the Commission considered several outstanding issues arising out of the draft Report concerning powers of entry approved the previous year. In addition, a proposed new *Powers of Entry Act* has been prepared, which will be appended to the Commission's Report. We expect to submit our Report to the Attorney General in the fall.

(ix) Law of Contract Amendment

As noted in previous Annual Reports, this Project is divided into three Phases. Phase I concerns the formational aspects of the law of contract, while the remaining two Phases deal, respectively, with substantive and remedial issues. Under the guidance of the joint Project Directors, Professor Jacob S. Ziegel and Professor Stephen M. Waddams, both of the Faculty of Law, University of Toronto, substantial progress has been made. The Commission has considered three Research Reports containing the Project Directors' recommendations for reform with respect to the topics dealt with in Phase I. In addition, almost all research on the topics allocated to Phases II and III of the Project has been completed.

Due to the onerous demands of the Class Actions Reference, the Commission has been able to consider only one Research Report dealing

with Phase II during the past year. In the coming year, we hope to prepare a draft Report on Phase I and to consider the balance of the topics in Phase II.

Throughout the course of the Project, the Commission has been ably assisted by an Advisory Group of experts, consisting of members of the judiciary and practising lawyers, under the chairmanship of James M. Spence, Esq.

(x) Contribution Among Wrongdoers

This Project reviews the law respecting the allocation of responsibility between two or more persons whose conduct has caused the same injury, as well as the law relating to contributory negligence, which also involves the apportionment of loss. During the past year, the Project Director, Professor John M. Evans, of Osgoode Hall Law School, York University, completed the research relating to contribution among wrongdoers, and the Commission concluded its consideration of the many difficult policy issues that were raised in the research papers. Preparation of a draft Report will commence in the spring, following consideration of a research paper on contributory negligence prepared by Professor J.B. Dunlop, of the Faculty of Law, University of Toronto.

(xi) Remedies for Wrongful Intentional Interference with Goods

In November, 1981, the Commission formally added to its programme a Project on Remedies for Wrongful Intentional Interference with Goods. This topic has been the subject of law reform activity in other jurisdictions. Professor George R. Stewart, of the Faculty of Law, University of Windsor, and Professor Ralph L. Simmonds, of the Faculty of Law, McGill University, have been appointed joint Project Directors and work has commenced. In order to obtain the benefit of the expertise of those concerned with the operation of this area of the law, the Commission has invited submissions from persons actively involved in consumer protection, lending, data collection, and the administration of justice on all aspects of the Project and, in particular, specific problem areas and possible solutions.

The Project will be conducted in two stages. In the first stage, research will be prepared on the following topics:

(1) specific relief remedies, including replevin, detinue, injunctions, and declarations;

(2) self-help remedies, including recaption of chattels and contractual rights;

(3) damage remedies, including trespass, conversion, and interference with a reversionary interest;

(4) analogous remedies in the civil law, based on a consideration of the law of Quebec, France, and Germany; and

(5) an empirical study of the incidence of the remedies and the patterns of preference, based on court records, a survey of sheriffs' offices, and data provided by consumer and credit organizations and sales and financial institutions.

The research on the first three topics will include a statement of the present law, and will identify problem areas and review the position in other jurisdictions. Where statutory change in the law is appropriate, alternative proposals for reform will be made. It is expected that the first stage of the Project will be completed in November, 1982.

In the second stage, the proposals and materials produced during the first stage will be evaluated by an Advisory Board, which will include members of the judiciary and of the legal profession, court officials and administrators, and other interested persons identified during the course of the empirical study. We expect that this stage of the Project will be completed in the spring of 1983, and that a final Research Report will be submitted to the Commission by the end of 1983.

FUTURE PROGRAMME

With the completion of the References on Class Actions and Witnesses Before Committees of the Legislature, the Commission is now in a position to devote substantial efforts to bringing to fruition a number of projects that are well advanced. While the projects discussed in this Report will occupy us for the foreseeable future, we intend to review our programme with a view to considering possible additions thereto and to bringing forward projects deferred in the past.

GENERAL ACTIVITIES

In the process of law reform, it is important to maintain a working relationship with practising members of the legal profession. The Chairman welcomed the opportunity to speak of the work of the Commission at meetings of the following County and District Law Associations: the Algoma District Law Association; the Durham Region Law Association; the Essex County Law Association; the Grey and Bruce Bar Associations; and the York Region Law Association. So, too, the Chairman and the Honourable R.A. Bell, P.C., Q.C., were guests at a meeting of the Officers and Trustees of the Carleton County Law Association. We are much obliged to all those whose efforts combined to make these visits both successful and enjoyable.

The Chairman, on behalf of the Commission, attended a meeting of the Canadian Law Reform Agencies at Whitehorse in August, 1981. This meeting provided an opportunity to consider developments that have occurred elsewhere, and to continue the Commission's liaison with the law

reform agencies across Canada. Immediately following the meeting, the Chairman represented the Commission at the 63rd Annual Meeting of the Uniform Law Conference in the same city.

During the past year, the Chairman was pleased to represent the Commission on a number of other occasions. These included an address to the Quebec Risk and Insurance Management Association, and an address to the University Arts Women's Club. The Chairman also participated in the Speakers Programme of the Faculty of Law of the University of Toronto, and spoke on the process of law reform in Ontario. During the same period, two of the Commission's Legal Research Officers, M.A. Springman, Esq. and E. Gertner, Esq., took part in panel discussions devoted to the subject of the enforcement of judgment debts. In October, 1981, they presented a paper entitled "Reform of the Law of Debtor and Creditor: The Ontario Law Reform Commission's Report on the Enforcement of Judgment Debts and Related Matters" to the Eleventh Annual Workshop on Commercial and Consumer Law held at the Faculty of Law, University of Toronto. In the spring of 1982, Messrs. Springman and Gertner were participants in "The Agony and the Ecstasy: Remedies in the Enforcement of Judgment Debts", a programme presented under the auspices of the Ontario Branch of the Canadian Bar Association.

In the year under review, the Commission has been privileged to receive visitors from other law reform agencies. The visitors, whom we were pleased to receive, included: W.H. Hurlburt, Esq., Q.C., Director, Institute of Law Research and Reform, Alberta; Colin I. Patterson, Esq., Chairman, Contracts and Commercial Law Reform Committee of New Zealand; and Paul J. Garde, Esq., Research Officer, Law Reform Commission of New South Wales. We were also visited by members of the Nigerian Law Reform Commission. The members whom we enjoyed meeting were: Sir Darnley A.R. Alexander, Kt., C.F.R., C.B.E., Chairman; Dr. S.N.C. Obi, Dr. A.B. Yusuf, Mrs. T.M. Osindero, Dr. A. Abubakar, Professor R.O. Ekundare, and Dr. E.E.J. Okereke, Commissioners; and Mr. T.N. Nnadi, Secretary/Director. It was also a pleasure to welcome Mr. Patrick O. Okoli, Senior First Secretary, Political and Economic Affairs, Nigerian Embassy, Ottawa, who accompanied the Commission.

Other guests, whom we were privileged to welcome, included: The Honourable Edward Milton Culliton, former Chief Justice of Saskatchewan; C. Uchenna Osakwe, Esq., and Alhaji Usman D. Bungudu, Esq., the Director and Chairman, respectively, of the Legal Aid Council of Nigeria.

In our last Annual Report we referred to the Committee on the Sale of Goods that was established by the Uniform Law Section of the Uniform Law Conference of Canada. The Committee, which was chaired by our Chairman, completed its work and delivered its Report at the 63rd Annual Meeting of the Conference. At this meeting, the Uniform Law Section

resolved that the Report of the Committee be accepted, that the Legislative Drafting Section of the Conference be requested to review the drafting of the Committee's Draft Bill, and that the product be adopted as a Uniform Act and recommended for enactment in that form.

ACKNOWLEDGMENTS

Attached to this Report are three Appendices relating to the activities of the Commission. In Appendix A, we set out two formal documents dealing with a change in the membership of the Commission during the past year. Appendix B consists of a list of Reports prepared and submitted by the Commission since its inception in 1964, together with a table indicating the extent to which legislation concerning our proposals has been enacted.

Appendix C contains a list of the officers and permanent staff of the Commission. The Commission regrets the departure during the past year of two members of the administrative staff. To Mrs. Toni Farrace and Mrs. Christine [illegible], we express our thanks and wishes for success in the future. To Mrs. Cora Calderio, who joined the administrative staff, we extend a sincere welcome. Our heartfelt thanks and appreciation are also extended to Miss A.F. [illegible], Secretary to the Commission, and to the administrative staff, for their dedicated assistance.

To you Mr. Attorney, and to the officers of your Ministry, we wish to express our sincere thanks for your support and encouragement in our work.

All of which is respectfully submitted,

Derek Mendes da Costa
Chairman

Richard A. Bell
Commissioner

H. Allan Leal
Vice Chairman

William R. Poole
Commissioner

Barry A. Percival
Commissioner

March 31, 1982

APPENDIX A

1. Extract from the Minutes of the Ontario Law Reform Commission, September 10, 1981.

The following motion, presented by the Honourable R.A. Bell, P.C., Q.C., and seconded by W.R. Poole, Q.C., was passed by unanimous vote:

> The members of the Ontario Law Reform Commission wish to record their deep regret at the resignation of the Honourable George A. Gale, C.C., as Vice Chairman and member of the Commission. That his health has not permitted him to continue is a matter of sadness to Commission members, each of whom hopes that release from responsibility may restore him to his customary vigorous physical and intellectual activity.
>
> The career of 'Bill' Gale as barrister, judge, Chief Justice of the High Court, Chief Justice of Ontario and more recently as a law reformer has been so distinguished that any tribute of his colleagues may appear redundant. His grateful country has already awarded him its highest titular order, Companion of the Order of Canada. As a jurist, he has had well-deserved national and international recognition.
>
> His former colleagues would wish to speak of his personal qualities. His unfailing wisdom, his 'down to earth' 'feet on the ground' approach to all legal issues and problems, his innovative and original mind, his searching and articulate capacity to diagnose legal and social problems and to submit realistic solutions, but above all his friendliness and his 'without side' approachability; these are the qualities of a great Canadian who will be long remembered in the area of law reform.
>
> One of our colleagues expressed to him the hope that his subsequent career might make Sir William Mulock appear like a youngster! That is the hope of all Commissioners as we bid a reluctant farewell to a unique Canadian.

2. Extract from the Minutes of the Ontario Law Reform Commission, October 5, 1981.

The following motion, presented by the Honourable R.A. Bell, P.C., Q.C., and seconded by W.R. Poole, Q.C., was passed by unanimous vote:

> It is not the Commission's role to reflect or comment upon the

wisdom of appointments that may be made to it by the Lieutenant Governor in Council.

But our pleasure is so great at the return to our ranks of our former Chairman, Dr. H. Allan Leal, Q.C., that we cannot refrain from expressing our delight that he is resuming his recognized role as one of the most significant law reformers in the common law world. His recent and successful career as Deputy Attorney General of Ontario adding, as it did, to his knowledge of the implementation of policy, will be of great benefit to the Commission.

As we welcome a long-time colleague and friend as our Vice Chairman, we express our satisfaction that he has rejoined us. Together, we face gladly the challenge to continue and accelerate the pace of law reform in the rapidly changing society of today.

APPENDIX B

REPORTS OF THE ONTARIO LAW REFORM COMMISSION

	Title	Date of Report	Original Legislation Concerning Commission Proposals
1.	Report No. 1 [The Rule Against Perpetuities]	February 1, 1965	*The Perpetuities Act, 1966*, S.O. 1966, c. 113
2.	Report No. 1A: The Perpetuities Act, 1965 [Supplementary Report on the Rule Against Perpetuities]	March 1, 1966	*do.*
3.	Report No. 2 [The Wages Act: Assignment of Wages]	March 3, 1965	*The Wages Amendment Act, 1968*, S.O. 1968, c. 142
4.	Report No. 3 on Personal Property Security Legislation	May 28, 1965	*The Personal Property Security Act, 1967*, S.O. 1967, c. 72
5.	Report No. 3A on Personal Property Security Legislation	May 18, 1966	*do.*
6.	Report on The Evidence Act: Admissibility of Business Records	February 16, 1966	*The Evidence Amendment Act, 1966*, S.O. 1966, c. 51, s. 1
7.	Report on The Mechanics' Lien Act	February 22, 1966	*The Mechanics' Lien Act, 1968-69*, S.O. 1968-69, c. 65
8.	Suplementary Report on The Mechanics' Lien Act	May 26, 1967	*do.*
9.	Report on the Proposed Extension of Guarantor's Liability on Construction Bonds	May 30, 1966	See *The Mechanics' Lien Amendment Act, 1975*, S.O. 1975, c. 43 *The Ministry of Transportation and Communications Creditors Payment Act, 1975*, S.O. 1975, c. 44 *The Public Works Creditors Payment Repeal Act, 1975*, S.O. 1975, c. 45

	Title	Date of Report	Original Legislation Concerning Commission Proposals
10.	Report on The Execution Act: Exemption of Goods from Seizure	December 9, 1966	*The Execution Amendment Act, 1967*, S.O. 1967 c. 26
11.	Report on The Law of Condominium	March 6, 1967	*The Condominium Act, 1967*, S.O. 1967, c. 13
12.	Report on the Basis for Compensation on Expropriation	September 21, 1967	*The Expropriations Act, 1968-69*, S.O. 1968-69, c. 36
13.	Report on the Limitation Period for Actions under The Sandwich, Windsor and Amherstburg Railway Act, 1930	January 8, 1968	*The Sandwich, Windsor and Amherstburg Railway Amendment Act, 1968*, S.O. 1968, c. 120
14.	Annual Report 1967	January 15, 1968	Not applicable
15.	Report on Certain Aspects of the Proposed Divorce Legislation Contained in Bill C-187	January 19, 1968	*Divorce Act*, S.C. 1967-68, c. 24, s. 26
16.	Report on the Proposed Adoption in Ontario of The Uniform Wills Act	February 5, 1968	*The Succession Law Reform Act, 1977*, S.O. 1977, c. 40 See *The Registry Amendment Act, 1978*, S.O. 1978, c. 8, s. 1
17.	Report on The Protection of Privacy in Ontario	September 10, 1968	See *The Consumer Reporting Act, 1973*, S.O. 1973, c. 97
18.	Report on Section 183 of The Insurance Act	October 3, 1968	—
19.	Report on Trade Sale of New Houses	October 4, 1968	See *The Ontario New Home Warranties Plan Act, 1976*, S.O. 1976, c. 52
20.	Interim Report on Landlord and Tenant Law Applicable to Residential Tenancies	December 10, 1968	*The Landlord and Tenant Amendment Act, 1968-69*, S.O. 1968-69, c. 58

	Title	Date of Report	Original Legislation Concerning Commission Proposals
21.	Report on Limitation of Actions	February 3, 1969	See *The Highway Traffic Amendment Act (No. 2), 1975*, S.O. 1975, c. 37 *The Fatal Accidents Amendment Act, 1975*, S.O. 1975, c. 38 *The Trustee Amendment Act, 1975*, S.O. 1975, c. 39
22.	Annual Report 1968	April 7, 1969	Not applicable
23.	Report on the Age of Majority and Related Matters	June 3, 1969	*The Age of Majority and Accountability Act, 1971*, S.O. 1971, c. 98
24.	Report on the Status of Adopted Children	June 3, 1969	*The Child Welfare Amendment Act, 1970*, S.O. 1970, c. 96, s. 23
25.	Report on Family Law, Part I: Torts	November 4, 1969	*The Family Law Reform Act, 1978*, S.O. 1978, c. 2 (partial implementation)
26.	Report on Section 20 of The Mortgages Act	March 12, 1970	*The Mortgages Amendment Act, 1970*, S.O. 1970, c. 54, s. 1
27.	Report on Family Law, Part II: Marriage	April 6, 1970	*The Civil Rights Statute Law Amendment Act, 1971*, S.O. 1971, c. 50, s. 55 (partial implementation) *The Marriage Act, 1977*, S.O. 1977, c. 42 (partial implementation)
28.	Annual Report 1969	April 20, 1970	Not applicable
29.	Report on Actions Against Representatives of Deceased Persons	November 30, 1970	*The Trustee Amendment Act, 1971*, S.O. 1971, c. 32, s. 2
30.	Report on the Coroner System in Ontario	January 25, 1971	*The Coroners Act, 1972*, S.O. 1972, c. 98

	Title	Date of Report	Original Legislation Concerning Commission Proposals
31.	Report on Sunday Observance Legislation	February 26, 1971	*The Retail Business Holidays Act, 1975*, S.O. 1975 (2nd Session), c. 9
32.	Report on Land Registration	March 23, 1971	See *The Corporations Tax Amendment Act (No. 2), 1979*, S.O. 1979, c. 89
33.	Annual Report 1970	March 31, 1971	Not applicable
34.	Report on The Change of Name Act	May 31, 1971	*The Change of Name Amendment Act, 1972*, S.O. 1972, c. 44
35.	Report on The Mortgages Act, Section 16	June 18, 1971	—
36.	Report on Development Control	September 28, 1971	*The Planning Amendment Act, 1973*, S.O. 1973, c. 168, s. 10
37.	Report on Powers of Attorney	January 11, 1972	*The Powers of Attorney Act, 1979*, S.O. 1979, c. 107
38.	Report on Occupiers' Liability	January 11, 1972	*The Occupiers' Liability Act, 1980*, S.O. 1980, c. 14
39.	Report on Consumer Warranties and Guarantees in the Sale of Goods	March 31, 1972	—
40.	Report on Review of Part IV of The Landlord and Tenant Act	March 31, 1972	*The Landlord and Tenant Amendment Act, 1972*, S.O. 1972, c. 123
41.	Annual Report 1971	March 31, 1972	Not applicable
42.	Report on the Non-Possessory Repairman's Lien	October 4, 1972	—
43.	Report on the Administration of Ontario Courts, Part I	February 26, 1973	See *The Administration of Courts Project Act, 1975*, S.O. 1975, c. 31 *The Judicature Amendment Act (No. 2), 1977*, S.O. 1977, c. 51, s. 9

	Title	Date of Report	Original Legislation Concerning Commission Proposals
44.	Annual Report 1972	March 31, 1973	Not applicable
45.	Report on the Administration of Ontario Courts, Part II	May 23, 1973	See *The Administration of Courts Project Act, 1975*, S.O. 1975, c. 31
46.	Report on Family Law, Part III: Children	September 25, 1973	*The Child Welfare Amendment Act, 1975*, S.O. 1975, c. 1 (partial implementation) *The Succession Law Reform Act, 1977*, S.O. 1977, c. 40 (partial implementation) *The Children's Law Reform Act, 1977*, S.O. 1977, c. 41 (partial implementation)
47.	Report on The Solicitors Act	September 28, 1973	—
48.	Report on Motor Vehicle Accident Compensation	November 6, 1973	—
49.	Report on the Administration of Ontario Courts, Part III	December 17, 1973	*The Judicature Amendment Act, 1975*, S.O. 1975, c. 30 (partial implementation) See *The Administration of Courts Project Act, 1975*, S.O. 1975, c. 31 *The Small Claims Courts Amendment Act, 1977*, S.O. 1977, c. 52 (partial implementation)
50.	Report on Family Law, Part IV: Family Property Law	February 8, 1974	*The Succession Law Reform Act, 1977*, S.O. 1977, c. 40 (partial implementation) *The Family Law Reform Act, 1978*, S.O. 1978, c. 2 (partial implementation) See *The Land Titles Amendment Act, 1978*, S.O. 1978, c. 7

	Title	Date of Report	Original Legislation Concerning Commission Proposals
			The Registry Amendment Act, 1978, S.O. 1978, c. 8
51.	Report on Family Law, Part V: Family Courts	February 8, 1974	See *The Unified Family Court Act, 1976*, S.O. 1976, c. 85 *The Children's Probation Act, 1978*, S.O. 1978, c. 41 (partial implementation)
52.	Annual Report 1973	May 6, 1974	Not applicable
53.	Report on the International Convention Providing a Uniform Law on the Form of the International Will	July 3, 1974	*The Succession Law Reform Act, 1977*, S.O. 1977, c. 40, s. 42
54.	Annual Report 1974	March 31, 1975	Not applicable
55.	Report on Family Law, Part VI: Support Obligations	April 18, 1975	*The Succession Law Reform Act, 1977*, S.O. 1977, c. 40 (partial implementation) *The Family Law Reform Act, 1978*, S.O. 1978, c. 2
56.	Report on Mortmain, Charitable Uses and Religious Institutions	February 27, 1976	*The Religious Organizations' Lands Act, 1979*, S.O. 1979, c. 45 *The Anglican Church of Canada Act, 1979*, S.O. 1979, c. 46 *The Registry Amendment Act, 1979*, S.O. 1979, c. 94, s. 17
57.	Report on Landlord and Tenant Law	March 15, 1976	*The Residential Tenancies Act, 1979*, S.O. 1979, c. 78 (partial implementation)
58.	Report on the Law of Evidence	March 29, 1976	—
59.	Annual Report 1975	March 31, 1976	Not applicable

	Title	Date of Report	Original Legislation Concerning Commission Proposals
60.	Report on Changes of Name	August 16, 1976	*The Vital Statistics Amendment Act, 1978*, S.O. 1978, c. 81, s. 1 (partial implementation)
61.	Report on the Impact of Divorce on Existing Wills	February 28, 1977	*The Succession Law Reform Act, 1977*, S.O. 1977, c. 40, s. 17(2)
62.	Annual Report 1976	March 31, 1977	Not applicable
63.	Annual Report 1977	March 31, 1978	Not applicable
64.	Report on Sale of Goods	March 30, 1979	—
65.	Annual Report 1978	March 30, 1979	Not applicable
66.	Report on Products Liability	November 16, 1979	—
67	Annual Report 1979	March 31, 1980	Not applicable
68.	Report on the Enforcement of Judgment Debts and Related Matters, Part I	February 20, 1981	—
69.	Report on the Enforcement of Judgment Debts and Related Matters, Part II	March 31, 1981	—
70.	Report on the Enforcement of Judgment Debts and Related Matters, Part III	March 31, 1981	—
71.	Annual Report 1980-81	March 31, 1981	Not applicable
72.	Report on Witnesses Before Legislative Committees	September 11, 1981	—
73.	Report on Class Actions	March 31, 1982	—

Many of the Commission's earlier reports are no longer in print. Reports that are still in print may be purchased from the Ontario Government Bookstore, 880 Bay Street, Toronto, or by mail order from Publications Services Section, 5th Floor, 880 Bay Street, Toronto, Ontario M7A 1N8. Telephone 965-6015. Toll free long distance 1-800-268-7540; in area code 807, 0-Zenith 67200.

APPENDIX C

OFFICERS AND PERMANENT STAFF
ONTARIO LAW REFORM COMMISSION

Chairman	Derek Mendes da Costa, Q.C., LL.B., LL.M., S.J.D., LL.D.
Vice Chairman	H. Allan Leal, Q.C., LL.M., LL.D.
Commissioners	Honourable Richard A. Bell, P.C., Q.C. William R. Poole, Q.C. Barry A. Percival, Q.C.
Counsel	M. Patricia Richardson, B.A., M.A., LL.B.
Secretary and Administrative Officer	Miss A. F. Chute
Senior Legal Research Officer	M.A. Springman, B.A., M.A., M.Sc., LL.B.
Legal Research Officers	Eric Gertner, LL.B., B.C.L. (Oxon) Ann M. Merritt, B.A., LL.B. Larry M. Fox, LL.B. Pamela M. Gibson, B.A., LL.B.
Administrative Assistant	Mrs. J.A. Brown, B.A.
Secretary to Chairman	Mrs. Stephanie Hlynka
Secretary to Vice Chairman	E.N. Page
Secretary to Counsel	Mrs. D.M. Halyburton
Secretary to Administrative Officer	Mrs. B.G. Woodley
Secretaries to Legal Research Officers	Mrs. Cora Calixterio Ms. V. Van Asperen, B.Sc.
Receptionist	Miss Mary M. O'Hara